

*(D) the southern entrance of the Harlingen Industrial Park using Farm-to-Market Road 509; and*

*(E) the southern entrance of the Harlingen Aerotropolis at Valley International Airport using Farm-to-Market Road 509.*

(b) For a permit issued by a port authority located in a county that is adjacent to at least two counties with a population of 550,000 or more, the commission shall, with the consent of the port authority, designate the most direct route from:

(1) the intersection of Farm-to-Market Road 523 and Moller Road to the entrance of Port Freeport using Farm-to-Market Roads 523 and 1495;

(2) the intersection of State Highway 288 and Chlorine Road to the entrance of Port Freeport using State Highway 288; ~~and~~

(3) the intersection of State Highway 288 and Chlorine Road to the entrance of Port Freeport using State Highways 288 and 332 and Farm-to-Market Roads 523 and 1495;

*(4) the intersection of North Velasco Boulevard and South Avenue J in the city of Freeport to the entrance of Port Freeport using North Velasco Boulevard and Farm-to-Market Road 1495; and*

*(5) 21441 Loop 419 in the city of Sweeny to the entrance of Port Freeport using Loop 419, State Highways 35 and 36, and Farm-to-Market Road 1495.*

SECTION 2. This Act takes effect September 1, 2015.

Passed by the House on April 23, 2015: Yeas 139, Nays 0, 1 present, not voting;  
passed by the Senate on May 23, 2015: Yeas 31, Nays 0.

Approved June 9, 2015.

Effective September 1, 2015.

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**TREATMENT AND RECYCLING FOR BENEFICIAL USE OF  
CERTAIN WASTE ARISING OUT OF OR INCIDENTAL TO THE  
DRILLING FOR OR PRODUCTION OF OIL OR GAS**

**CHAPTER 351**

H.B. No. 1331

**AN ACT**

**relating to the treatment and recycling for beneficial use of certain waste arising out of or incidental to the drilling for or production of oil or gas.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The heading to Chapter 122, Natural Resources Code, is amended to read as follows:

**CHAPTER 122. TREATMENT AND RECYCLING FOR BENEFICIAL USE  
OF FLUID ~~[CERTAIN]~~ OIL AND GAS WASTE**

SECTION 2. The heading to Section 122.002, Natural Resources Code, is amended to read as follows:

Sec. 122.002. **OWNERSHIP OF FLUID ~~[CERTAIN]~~ OIL AND GAS WASTE  
TRANSFERRED FOR TREATMENT AND SUBSEQUENT BENEFICIAL USE.**

SECTION 3. Subtitle D, Title 3, Natural Resources Code, is amended by adding Chapter 123 to read as follows:

**CHAPTER 123. TREATMENT AND RECYCLING FOR BENEFICIAL USE  
OF DRILL CUTTINGS**

Sec. 123.001. *DEFINITIONS. In this chapter:*

- (1) "Commission" means the Railroad Commission of Texas.
- (2) "Drill cuttings" means bits of rock or soil cut from a subsurface formation by a drill bit during the process of drilling an oil or gas well and lifted to the surface by means of the circulation of drilling mud.
- (3) "Permit holder" means a person who holds a permit from the commission to operate a stationary commercial solid oil and gas waste recycling facility.

Sec. 123.002. *OWNERSHIP OF DRILL CUTTINGS TRANSFERRED FOR TREATMENT AND SUBSEQUENT BENEFICIAL USE. Unless otherwise expressly provided by a contract, bill of sale, or other legally binding document:*

(1) *when drill cuttings are transferred to a permit holder who takes possession of the cuttings for the purpose of treating the cuttings for a subsequent beneficial use, the transferred material is considered to be the property of the permit holder until the permit holder transfers the cuttings or treated cuttings to another person for disposal or use; and*

(2) *when a permit holder who takes possession of drill cuttings for the purpose of treating the cuttings for a subsequent beneficial use transfers possession of the treated product or any treatment byproduct to another person for the purpose of subsequent disposal or beneficial use, the transferred product or byproduct is considered to be the property of the person to whom the material is transferred.*

Sec. 123.003. *RESPONSIBILITY IN TORT. A person who generates drill cuttings and transfers the drill cuttings to a permit holder with the contractual understanding that the drill cuttings will be used in connection with road building or another beneficial use is not liable in tort for a consequence of the subsequent use of the drill cuttings by the permit holder or by another person.*

Sec. 123.004. *PERMIT COPY REQUIRED. A permit holder who takes possession of drill cuttings from the person who generated the drill cuttings shall provide to the generator a copy of the holder's permit.*

Sec. 123.005. *COMMISSION RULES FOR TREATMENT AND BENEFICIAL USE. The commission shall adopt rules to govern the treatment and beneficial use of drill cuttings.*

SECTION 4. This Act takes effect September 1, 2015.

Passed by the House on April 23, 2015: Yeas 139, Nays 0, 2 present, not voting;  
passed by the Senate on May 20, 2015: Yeas 31, Nays 0.

Approved June 9, 2015.

Effective September 1, 2015.

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**PROCEDURE FOR DETERMINING THAT CERTAIN LAND IS  
NO LONGER ELIGIBLE FOR APPRAISAL FOR AD VALOREM  
TAX PURPOSES AS AGRICULTURAL OR OPEN-SPACE LAND**

**CHAPTER 352**

H.B. No. 1464

**AN ACT**

**relating to the procedure for determining that certain land is no longer eligible for appraisal for ad valorem tax purposes as agricultural or open-space land.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 1.07(d), Tax Code, is amended to read as follows:

(d) A notice required by Section 11.45(d), 23.44(d), 23.46(c) or (f), 23.54(e), 23.541(c),